*Mr. Krishnan Narayanan (Ampalapuzha)* prayed that parties might be exempted from the production of not only encumbrance certificates but also affidavits, before immovable property is sold in execution of a civil decree.

*Reply.*—I regret I have to differ from the opinions of the members who have now spoken as to the desirability or necessity of encumbrance certificates. This is a matter that has a tripartite effect. It affects the judgment-debtor, the decree-holder and the auction-purchaser. In properties whose value is large, the auction-purchaser is likely to have a margin in spite of all encumbrances, but where the value of the property is inconsiderable, he is bound to be a loser unless he previously satisfies himself as to the nature of the encumbrances on the property he intends purchasing. It is not likely that the judgment-debtor will disclose all the encumbrances though it is to his interest that the property should be sold for a proper price as otherwise the burden will not be lightened, and unless the decree-holder furnishes a correct or at least an approximate idea of the prior history of the property, no one is likely to come forward to bid at the auction. As Sir Barnes Peacock said many years ago, the difficulties of a suitor really begin with execution, and hence the courts rightly call upon the creditor who holds the decree to present intending purchasers with some idea as to the nature of the property, in order that the highest possible amount may be realized. The decree-holder is of course directly interested in this. If, therefore, these certificates are not insisted on, the result will be endless litigation, irremovable chaos, and uncertainty and loss in the auction sale. Government are of opinion that these certificates are necessary and their production cannot be dispensed with altogether. In regard to the limit, the present amount of Rs. 250 seems sufficiently high and does not admit of any further extension.

As regards the delay in the sub-registrars' offices complained of, the Director of Registration will be asked to see that all applications for encumbrance certificates are promptly attended to.

**88. Publication by Government of statistics relating to (1) the number of Marumakkathayam suits annually filed in each court and (2) the number of sales, mortgages and hypothecations executed by Marumakkathayees.**

*Mr. P. Kesava Pillai, B. A., B. L., (Quilon)* requested the publi-

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cation of this information as it was necessary to get a correct idea of the working of the Marumakkathayam system in the country.

*Reply.*—If this information is required in connection with the introduction of certain changes in the Marumakkathayam law advocated by the speaker on Saturday, it will be obtained if found necessary. Information on these heads in regard to the people of the State as a whole has been already called for, but it is understood that it is not easy to compile the necessary statistics. Figures are however awaited. The statistics for any one particular community it would be much more difficult to obtain, and it is not clear what useful purpose it will serve unless in the direction indicated above.

**89. Investing Zillah courts with the power of inspecting Munsiffs' courts.**

*Mr. Narayanan Madhavan Karthavu* (*Shertallay*) spoke on the desirability of empowering District judges to inspect Munsiffs' courts.

*Reply.*—It is desirable as in British India to confer such power on Zillah judges. Opportunity will be taken to consider this when amending the Civil Procedure Code. District judges are intermediate officers working close by Munsiffs' courts and it is their recommendations that will weigh with the High Court. It is also undesirable to cast this work wholly on the High Court.

**90. Exemption of Mahomedans from attending courts on Fridays.**

*Mr. K. Kathir Pillai* (*Alangad*) requested that Mahomedans might be exempted from attending courts on Fridays and other days observed as religious by them.

*Reply.*—This was brought up at the last session of the Assembly. The High Court considered the matter and found it impracticable to lay down any hard and fast rule. To exempt particular communities from attending courts on particular days would seriously affect the interests of business. Further, it is open to them to apply for and obtain temporary recess from the courts if they are to be engaged in court business during hours of prayer.

**91. Exemption of Roman Catholic Christians from appearance in courts on obligatory religious days and the supply of Roman Catholic Bibles to courts.**

*Mr. Warkey John* (*Travancore and Cochin Roman Catholic Association, Kottayam*) remarked that besides Sundays there were only 13

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